

Notice of Allowability

Application No.

10/713,938

Examiner

Jason L. Savage

Applicant(s)

RIGNEY ET AL.

Art Unit

1794

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12-26-07.
2. ☒ The allowed claim(s) is/are 1-13 and 28-30.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>20080104</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11-29-07 has been entered.

Regarding the advisory action mailed 12-14-07 reciting that the limitation in claim 7 of the aluminum content being about 15 atomic percent and about 20 atomic percent would be considered new matter; support for the claimed embodiments were found on page 17, lines 9-18 of the specification.

Examiner's Amendment to the Claims

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Christine Wilkes Beninati on 1-4-08.

The application has been amended as follows:

Claim 5 has been canceled.

Response to Arguments

Applicant's arguments, filed 11-29-07, with respect to the claims have been fully considered and are persuasive. The rejection of claims 1-4, 6-13 and 28-30 has been withdrawn.

Applicant argues that Rigney discloses a coating system employing a NiAl based intermetallic coating containing 30 to 60 atomic percent aluminum so as to be predominantly of the beta-NiAl phase plus additional alloying additions. As such, Rigney does not teach a coating have composition having the an aluminum content of 10, 15 or 20 percent such as claimed which would comprise alloying compositions distinct from the beta-NiAl alloy of Rigney which requires a minimum of 30% aluminum. As such, Rigney whether viewed alone or in combination with Rosenzweig does not disclose or suggest the claim limitations.

Allowable Subject Matter

Claims 1-4, 6-13 and 28-30 are allowed.

The following is an examiner's statement of reasons for allowance:

The prior art such as Rosenzweig et al (EP 1 123 987) teaches that methods of repairing engine run components by removing old bond coatings and a portion of the base metal substrate of the component are known. The prior art further teaches applying lower growth coatings comprising aluminum containing compositions (Rosenzweig and Rigney US 6,153,313). These lower growth coatings minimize the

amount of substrate material that is consumed and would need to be removed upon subsequent repair of the component. The prior art such as Rigney further teaches that the suitable coatings such as β -NiAl has aluminum content of between 30-60 atomic percent.

While the prior art teaches a variety of aluminum containing compositions may be suitable for the bond coating material, the prior art does not teach or suggest that the lower growth environmental bond coat used in the claimed repairing method has aluminum content in the lower growth bond coating is about 10, 15 or 20 atomic percent, a density less than the density of the prior bond coat which was removed and that the repaired component does not incur a weight penalty and that the such as is claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason L. Savage whose telephone number is 571-272-1542. The examiner can normally be reached on M-F 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Keith Hendricks can be reached on 571-272-1401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jason Savage
1-4-08



KEITH D. HENDRICKS
SUPERVISORY PATENT EXAMINER